

EXHIBIT C(1)

Copies of 2 Public Record Documents Listed on Exhibit B



Advisory Circular

Subject: REPORTING OF THREATS IN ACCORDANCE WITH THE COMMON STRATEGY

Date: 9/11/06

AC No: 90-103

Initiated by: AJR-0

1. **PURPOSE.** This advisory circular (AC) provides information to the aviation community, particularly to aircrews operating within the National Airspace System (NAS), regarding methods to manage and report instances of passenger interference with crewmembers. The Aviation and Transportation Security Act (ATSA), Public Law 107-71, created the Transportation Security Administration (TSA) and tasked the Administrator of TSA to work with the Administrator of the Federal Aviation Administration on security actions that may affect safety and aircraft operations. The ATSA created a new Title 49, United States Code (USC), Chapter 449, Section 44918, Crew training, requiring new, detailed guidance for crew training. As a result of this provision, a new Common Strategy was developed and implemented.

a. Common Strategy identifies four distinct threat levels that help crewmembers identify their responsibilities and appropriate response:

Level 1: Disruptive behavior - suspicious or threatening

Level 2: Physically abusive behavior

Level 3: Life-threatening behavior

Level 4: Attempted or actual breach of the flight deck

b. While it is not possible to write procedures and guidance for every conceivable situation, Common Strategy provides a standardized approach developed with involvement of TSA, FAA, air carriers, and crewmembers. The U.S. aviation community, air traffic, security, law enforcement, and military agencies use their core concepts for response to security events, including hijackings.

2. **DISCUSSION.** The *modus operandi* of terrorist organizations is to make coordinated, simultaneous attacks designed to confuse and overwhelm defenses. Events perceived by aircrews, as isolated to one aircraft, may be part of a broader scheme or the precursor to an elaborate attack. Therefore, the rapid exchange of information is paramount to ensure the security and integrity of the NAS.

3. **AUTHORITY**. The FAA has the authority to regulate the safe and efficient use of navigable airspace (Title 49, USC, Chapter 401, Section 40103, Sovereignty and use of airspace). The FAA also has the authority to protect the flight of aircraft in air commerce (Title 49, USC, Chapter 447, Section 44701, General requirements, subparagraph (a)(5)).

The FAA has the authority to update aircrew training guidance to reflect new or different security threats, to require air carriers to revise their programs accordingly, and to provide additional training to their flight and cabin crews (Title 49, USC, Chapter 449, Section 44918, Crew training, subparagraph (e)(2). Title 14, Code of Federal Regulations (CFR), Part 91, Section 91.11, Prohibition on interference with crewmembers; Title 14, CFR, Part 121, Section 121.317, Passenger information requirements, smoking prohibitions, and additional seatbelt requirements; Title 14, CFR, Part 121, Section 121.575, Alcoholic beverages; and, Title 14, CFR, Part 135, Section 135.127, Passenger information requirements and smoking prohibitions.

4. **EFFECTIVE DATE**. This AC is effective September 14, 2006.

5. **FAA NOTIFICATIONS AND REPORTING**.

a. All FAA air traffic control (ATC) facilities will immediately report interference with flightcrews through the Domestic Events Network (DEN). The DEN supports sharing real-time, security-related information affecting the NAS air traffic operations among FAA, TSA, and other governmental stakeholders, including law enforcement agencies.

b. The ATC report will include the coordinated universal time (UTC), operator, flight number, aircraft type, nearest major city, altitude, transponder code, level of disturbance, and any other information needed to support the action.

6. **AIRCREW REPORTING PROCEDURES**. All aircrews are requested to immediately report incidents of interference with flightcrews to the appropriate ATC controlling facility. Reports should include level of interference, UTC, whether priority handling is being requested, if the crew is requesting to divert due to the incident, a confirmation the flight deck is secure, and any other information deemed necessary for ATC, law enforcement, and other governmental action taken to safeguard the safety of aviation operations in the NAS.

7. **AIRCREW INFORMATION RESOURCES**. The FAA recommends that aircraft operators, particularly aircrews, check regularly for updates regarding the NAS security in the appropriate Notice to Airmen. Additional information may be available at the following Web sites:

- www.faa.gov
- www.dhs.gov

8. **APPENDIX**.

- Common Strategy - The Four Distinct Threat Levels

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9. **RELATED DOCUMENTS.**

- a. Common Strategy, Detailed Guidance dated January 3, 2005.
- b. FAA Notice 7110.422, Aircraft Hijack and Suspicious In-flight Activities - Response and Notification Procedures.

10. **PAPERWORK REDUCTION ACT STATEMENT.** Through the use of this AC, the FAA intends to maintain an increased level of security in the NAS.



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Appendix 1

APPENDIX 1. COMMON STRATEGY - THE FOUR DISTINCT THREAT LEVELS

LEVEL 1 THREAT

Definition: Disruptive behavior - suspicious or threatening.

Examples: Irrational behavior that creates the potential for physical conflict, nonviolent threatening behavior, verbal harassment, inebriation, and, threats (both verbal and written) - does not include battery or possible medical conditions.

LEVEL 2 THREAT

Definition: Physically abusive behavior.

Examples: Pushing, kicking, hitting, grabbing, tripping, or inappropriate touching.

LEVEL 3 THREAT

Definition: Life-threatening behavior.

Examples: Weapon displayed/used, credible terrorist threats, credible bomb threats, or actual use of bombs, sabotage of aircraft systems, credible threats of hijacking, and deadly hand-to-hand techniques such as choking or eye gouging.

LEVEL 4 THREAT

Definition: Attempted or actual breach of the flight deck.

Examples: Mentally disturbed individuals, goal-oriented hijackers, and suicidal hijackers.



**U.S. Department
of Transportation
Federal Aviation
Administration**

InFO

Information for Operators

InFO 16019
DATE: 10/25/16

Flight Standards Service
Washington, DC

http://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/info

An InFO contains valuable information for operators that should help them meet certain administrative, regulatory, or operational requirements with relatively low urgency or impact on safety.

Subject: Enhanced Training for Flight Attendants (F/A) - Human Trafficking Recognition and Response

Purpose: This InFO informs Title 14 of the Code of Federal Regulations (14 CFR) Part 121 and 135 operators of the statutory requirement to provide F/As with training regarding recognizing and responding to potential human trafficking victims.

Background: On July 15, 2016, Congress enacted Public Law 114-190, the FAA Extension, Safety, and Security Act of 2016. Section 2113, Enhanced Training for Flight Attendants, amends Title 49 of the United States Code (49 U.S.C.) Section 44734 to include an additional F/A training requirement to the training already required in section 44734 regarding the service of alcohol. Section 44734 now also includes a requirement that each air carrier provide F/As with initial and annual training regarding recognizing and responding to potential human trafficking victims.

Discussion: Human trafficking is a crime involving the exploitation of someone for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion. Additionally, when a person under 18 is induced to perform a commercial sex act, it is human trafficking. To help end this serious crime, the U.S. Department of Transportation partnered with the U.S. Department of Homeland Security to create the Blue Lightning Initiative. This program serves to raise awareness about human trafficking as it pertains to the airline industry and provides information on how to identify and report it. The information includes common indicators that airline employees may encounter and instructs employees on how to report suspected trafficking to law enforcement officers both in-flight and on the ground.

To learn more about becoming a Blue Lightning Initiative partner and using the tools made available through the Blue Lightning Initiative in support of the statutory F/A training requirement, go to <https://www.transportation.gov/stophumantrafficking>.

Recommended Action: Directors of operations and safety, training managers, training program developers and instructors for part 121 and part 135 operators must be aware of the F/A training requirements of 49 U.S.C. section 44734.

Contact: Questions or comments regarding this InFO should be directed to Nicole Bambas at (202) 366-5058 or trafficking@dot.gov.